

NORTHWEST IMMIGRANT RIGHTS PROJECT

<http://www.nwirp.org>

909 8th Avenue

Seattle, WA 98104

(206) 587 4009

FAX (206) 587 4025

Where the government arrests or tries to arrest someone, or when a governmental official or police officer “just wants to talk,” every person in the United States has certain basic rights. These rights apply to citizens and non-citizens alike. Be familiar with your rights, and help protect others by informing them of their rights.

KNOW YOUR RIGHTS

If any governmental official (police officer, FBI agent, INS official) wishes to engage you in conversation, all persons, citizens and non-citizens, have the constitutional right to remain silent and request a lawyer. You should know that *anything* you say to a police officer can be used against you. Thus, if a police officer or other governmental official wishes to ask you questions about a suspected crime, you have the right to tell the officer: **“I wish to remain silent; I want to speak to a lawyer.” You do not have to say anything else, and do not sign anything.**

Some officers may be insistent, even after you tell them you wish to remain silent. **Do not say anything until you have spoken to a lawyer.**

If the police, FBI or INS come to your home, **you have the right to refuse them entry, unless they produce a warrant from a judge.** If they do not have a warrant, you do not have to let the police, FBI, or INS into your home. You have the right to close the door. You have the right to say “I do not want to talk to you until I have spoken to a lawyer.” If you give them permission, they may enter legally. If you throw the door open and wave them in you are probably giving permission. You should say politely that you do not want to speak to them, that they do not have permission to enter your home, and that if they leave a phone number, your lawyer will call them. **There are lawyers with the Public Defender Association who are on call 24 hours a day at 206-447-3900.** You may have to leave a message.

Your skin color, accent, or the language you speak are not lawful reasons for an INS agent or any other officer to question, detain, threaten, or arrest you. Your color or language do not legally justify a presumption that you are not a U.S. citizen. You do not have to speak to an INS agent, and if you do, they will usually claim later that you did so voluntarily. However, if you answer their questions, including questions about where you were born, that may give them a "reasonable suspicion" that you are not a citizen.

You have the right to speak to an attorney before answering any questions or signing any documents (you should NEVER sign documents without first speaking to an immigration attorney). If an INS agent or any other officer approaches you, the safest thing to do is to say that you don't want to talk, ask to speak with your lawyer, and remain silent. It is a crime to lie to a federal official or other law enforcement officer, about anything. It is much safer to say that you don't want to talk, and then remain silent until you contact a lawyer.

If you are accused of something that makes you deportable, you will have the right to a hearing with an Immigration Judge and the right to have an attorney represent you at that hearing and in any interview with INS (there are no government-paid lawyers, as there are in criminal proceedings, however). Do not give up this right. **Insist on a hearing** especially if you are detained.

Unless you have already gone through a whole proceeding and already have a final, unappealed, deportation order, the INS cannot just grab you and take you to the plane and deport you. You do get a day in court. Don't sign anything that gives it up.

If you are being questioned by the INS or police about your immigration status or about a suspected crime, tell the officer you wish to contact a lawyer at these phone numbers:

For immigration issues: Northwest Immigrant Rights Project (206) 587-4009 (800) 445-5771 Eastern WA: (509) 854-2100 (888) 756-3641	For criminal issues: Public Defender Association (206) 447-3900.	To report harassment, discrimination or incidents of violence: Hate Free Zone 1-866-439-6631.
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